

Enclosure (2) to NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 06-03, CH-1

**ENCLOSURE 2**  
**REPORTING AND NOTIFICATION PROCEDURES, CH-1**



## **REPORTING AND NOTIFICATION PROCEDURES, CH-1**

This chapter details reporting and notification requirements for Port State Control detentions and for related maritime homeland security issues.

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A. Introduction.

Notification and reporting procedures have been streamlined into a single reporting process consolidating information related to Ports, Waterway, and Coastal Security (PWCS) and port state control (PSC). To the greatest extent possible, reports must be consolidated to fulfill the needs of all stakeholders. The report is intended to support various functions including administrative recordkeeping, resource alignment, statistical purposes, congressional mandates, and program management. This single report is also designed to meet our reporting obligations to the International Maritime Organization (IMO).

This single report of PSC activity consists of Form A and Form B, which have been designed in accordance with the IMO Procedures for Port State Control Resolution A.787(19), as amended by A.882(21). It is imperative that units use the stock system forms without modification. These forms are updated periodically to coincide with the latest IMO guidance and Coast Guard policy.

These procedures will replace all existing notification requirements, and are intended to simplify efforts at the Captain of the Port (COTP) or Officer-in-Charge, Marine Inspection (OCMI) level. The basic premise behind the new reporting procedures involved electronically scanning forms. The unit member should electronically “scan in” both Forms A and B, and then email these reports to the cognizant authorities. Senders should request a return receipt as documentation of chain of custody control. (To request a return receipt from a Microsoft Outlook message, click “File” then “Properties.” Next check the box next to the appropriate “receipt requested” box.) For a historical reference, these scanned forms should also be attached in the Marine Information for Safety and Law Enforcement (MISLE) system under the representative vessel in the documentation section. It is critical that legible handwriting is used and correct cites are researched and entered on these forms.

B. Security and Safety Related Detentions, Unit Responsibilities.

Whenever a foreign vessel has an intervention leading to detention, several notifications must be conducted by the COTP regardless of whether the detention is due to a security related or safety related issue. Unit responsibilities are summarized in the table entitled “IMO Detention Notification Responsibility Chart,” located in section C of this enclosure.

1. Flag State Notification. Whenever a foreign vessel is denied entry to a port or offshore terminal, or is detained for a safety or security reason, the unit taking that action must notify the flag State as soon as possible. Points of contact are provided on the PSC Website at <http://www.uscg.mil/hq/g-m/pscweb/index.htm>. IMO Assembly Resolution A.787(19), as amended by A.882(21), requires that port States initiating control actions notify the flag Administration forthwith. For maritime security-related control actions (e.g. inspection of the ship, delaying the ship, detention of the ship, restriction of operations, restriction of movement of the ship within the port, or expulsion of the ship from port), the unit making the control action must also notify the flag State as soon as possible. Notification should be in writing within 24 hours of initiating the action. Submitting Forms A and B is an acceptable means of notifying the flag state. Should

difficulties be encountered in making this notification, contact the Commandant, Foreign and Offshore Compliance Division (G-MOC-2) for additional information at (202) 267-0495 or (202) 267-2978.

2. USCG Headquarters/Area/District Notification. When deficiencies merit detention, expulsion from port, or denial of entry under international instruments such as SOLAS, units are directed to scan and then email both the *USCG Port State Control Report of Inspection, Form A* (CG-5437A) and the *USCG Port State Control Report of Inspection, Form B* (CG-5437B) to G-MOC-2 at [fldr-g-moc@comdt.uscg.mil](mailto:fldr-g-moc@comdt.uscg.mil). Units will provide an information copy of this email to the cognizant Area and District staff. The forms must be completed as described below.
  - a. The forms are required to be submitted to G-MOC-2 when the vessel is detained (if form A, Block 17 is marked "Yes"). If units cannot email the forms, they should contact G-MOC-2 for alternate submission approval.
  - b. Both forms must be filled out completely and accurately. Any incomplete forms will be returned to the unit for re-submission.
  - c. All deficiencies identified and approved by the cognizant Officer in Charge of Marine Inspection (OCMI) or COTP as detainable under SOLAS, must be clearly annotated with the IMO Detention Code "30" and placed on Form B (CG-5437B), under the "Action Taken" category. The deficiency must clearly state the grounds for detention.
  - d. To ensure quality control for all detentions reports, Form B must be signed by the Port State Control Officer's (PSCO's) supervisor, a Marine Safety Detachment (MSD) Supervisor, or Chief, Inspections Department (CID). The supervisor's signature and printed name must be placed on the lower right side of Form B.
  - e. The delivery of the report to the Office of Compliance (G-MOC) should be as soon as possible, but must be scanned and delivered to G-MOC no later than 1630 EST/EDT on the next business day following the detention.
3. Classification Society/Recognized Organization/Recognized Security Organization Notification. The local office of the classification societies, Recognized Organization (RO), or Recognized Security Organization (RSO) that issued the relevant certificates to a detained vessel must be notified of the detention. A visit by the local surveyor or class representative can expedite the deficiency correction process. The delivery of the completed report to the Classification Society, RO, or RSO should be as soon as possible, but must be sent no later than 1630 EST/EDT on the next business day following the detention. A list of points of contact for class societies is provided on the Port State Control Website at <http://www.uscg.mil/hq/g-m/pscweb/index.htm>. Submittal of Forms A and B is acceptable as a form of notification.

- a. Involvement of RO and RSO's in the correction of deficiencies related to equipment, hull, structure, or security items is strongly encouraged. To ensure accountability, the OCMI/COTP should advise G-MOC of unsatisfactory performance of these organizations rather than corresponding directly.
  - b. Upon review, G-MOC will officially notify the organization of any detentions determined to be the result of deficiencies for which the organization should be held accountable. When a detention is attributed in this manner it is tracked and used to determine the annual performance for the organization. The annual performance for each organization is used to develop and publish the targeted lists for the boarding matrices.
4. Ship Management Notification. The command should ensure that the owner, operator, master, and/or charterer of the vessel is given a copy of the boarding reports (Forms CG-5437A and CG-5437B) and a clear work list of actions that must be taken to correct all deficiencies. Before the vessel will be permitted to leave port, any outstanding items listed on the forms must be addressed and should be clearly marked and explained.

C. Security and Safety Related Detentions, USCG Headquarters Responsibilities.

USCG Headquarters responsibilities are summarized in the table entitled, "IMO Detention Notification Responsibility Chart," located in section C of this enclosure.

1. Owner Notification. Upon receipt of the boarding reports (Forms CG-5437A and CG-5437B), G-MOC will send written notification to the owner, operator, managing operator, and charterer of the vessel. This is normally conducted within 45-60 days of the detention.
2. International Maritime Organization (IMO) Notification. When an intervention leads to a detention, G-MOC submits a report to IMO to fulfill the reporting procedures as required by various international instruments. This is normally conducted within 45-60 days of the detention.

**D. IMO Detention Notification Responsibility Chart.** Unit and USCG Headquarters responsibilities are summarized in the following table:

	Complete Form A and B and scan documents. Attach scanned versions to activity in MISLE	Notify Master and give copy of Forms A and B	Email or Fax Forms A and B to Ship Management	Email or Fax Forms A and B to Recognized Security Organization or Classification Society	Email or Fax Forms A and B to Flag State	Email or Fax Forms A and B to HQ by close of business next working day (w/ info copy to District & Area)	Ship Management Notification Letter	IMO Notification Letter	Notify Port State Control Memorandums of Understanding/Agreements
Unit Notification Responsibility for Non-Major * Security-Related Control Actions	XX	XX	XX	XX	XX				
Unit Notification Responsibility for Major ** Security-Related Control Actions	XX	XX	XX	XX	XX	XX			
Unit Notification Responsibility for Safety-Related Detention	XX	XX	XX	XX	XX	XX			
HQ Notification Responsibility for Security-Related Major Control Action							XX	XX	
Unit Notification Responsibility for Ship Denied Entry for Safety or Security	XX	XX	XX	XX	XX	XX			
HQ Notification Responsibility for Ship Denied Entry for Safety or Security							XX	XX	XX

**\* Non-Major Control Actions** include all security-related inspection of the ship, delay of the ship, restriction of operations, & restriction of movement.

**\*\* Major Control Actions** include all security-related expulsions from port, denials of entry, and detentions



E. MISLE Documentation.

1. Detentions, Expulsions, Denials of Entry. All vessels detained, denied entry, or expelled shall have corresponding MISLE activities entered into the system within 24 hours of detention. The unit shall create an operational control and pick a MISLE Control Type of “PSC Safety Detention” or “PSC Security Detention (or Denial of Entry, or Expulsion)” **only** for control actions that are to be reported to IMO. **If a different control type is chosen, it will not initiate the required Headquarters review of the detention case.** If a foreign vessel is subject to an operational control but has not violated an international instrument, then units must select another control type such as “COTP Order” or “U. S. Customs Clearance Hold.” For more information on using MISLE applications, you can access several MISLE user guides by visiting MISLENET on the Web: [http://mislenet.oscf.uscg.mil/user\\_guides.aspx](http://mislenet.oscf.uscg.mil/user_guides.aspx).
- a. Security-Related Detentions, Denials of Entry, and Expulsions. Deficiencies should clearly state what problems exist and the scope or seriousness of the deficiencies. For example, “Vessel inadequately attained appropriate security level, as required by Declaration of Security (DoS) with port facility, due to lack of access control to the ship and unsuitable handling of unaccompanied baggage,” provides a more detailed description of the problem than to state “Violation of DoS.” Applicable cites shall be entered for all deficiencies listed on the Detention Report (CG-5437B).
- b. Safety-Related Detentions. Deficiencies should clearly state what problems exist and the scope or seriousness of the deficiencies (for example “Firemain, multiple holes, 60% wastage - unable to maintain adequate pressure”). Applicable cites shall be entered for all deficiencies listed on the Detention Report (CG-5437B).
2. Deficiencies Compliance Dates. Each deficiency shall be assigned a compliance date appropriate to the nature of the deficiency. The length of time allowed to correct the deficiencies is left to the discretion of the OCMI or COTP. In making the determination, the OCMI or COTP should consider the following: the nature and severity of the deficiency, the amount of time normally needed to correct such a deficiency, the availability of resources to correct the deficiency, and the vessel's itinerary.
  - a. Security-Related Deficiencies. Compliance dates for security-related discrepancies will normally require a more stringent timeline for correction than safety-related discrepancies. In addition, vessel control actions should be considered as a tool to ensure compliance prior to vessel departure or next U.S. port call.
  - b. Safety-Related Deficiencies. For most safety related discrepancies, a one-month compliance date will be appropriate.
3. Deficiency Format. Deficiencies should be written as described in the *Port State Control Job Aid*; see Appendix 1 or <http://www.uscg.mil/hq/g-m/pscweb/index.htm>. International convention cites shall be used on foreign vessels, when applicable.

4. Immediate MISLE Reporting. To assist other ports in correctly targeting vessels for examination, it is critical that field units quickly and properly document boarding activities and results in MISLE.
  - a. Scheduling an Examination. Field units shall open an inspection activity and schedule an inspection immediately after targeting a vessel for examination. If an inspection is cancelled, the field unit shall immediately delete the activity from MISLE.
  - b. Post-Examination. Within four hours after completing an examination, field units shall, at a minimum, document in MISLE an outline of any control actions taken (detentions, expulsions, etc.) and all outstanding deficiencies found.
  - c. Denial of Entry. Denials of entry shall be immediately entered into MISLE.
  - d. Complete documentation. Except as noted in paragraph D.1 above, remaining MISLE entries may be completed at a later time
- F. Port State Control Report of Inspection. All port state control examinations shall be documented with CG-5437A (Form A) and CG-5437B (Form B), if the latter is applicable, in accordance with the direction contained in this enclosure. The next several pages include sample Form A and Form B, and instructions for both report forms.

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<b>Dept. of Homeland Security</b> <b>U.S. COAST GUARD</b> <b>CG-5437A (5-2004)</b>		<b>Port State Control Report of Inspection - FORM A*</b> <small>In accordance with IMO Port State Control Procedures  [Resolution A.787(19), as amended by Resolution A.882(21)]  and the International Ship &amp; Port Facility Security (ISPS) Code</small>		<b>MISLE Activity No.</b>  <b>Activity Type:</b>																								
1. Reporting Country: United States of America		2. Name of Ship:																										
3. Flag of Ship:		4. Ship Type IMO Code:	5. Call Sign:																									
6. IMO Number:		7. Gross Tonnage:	8. Deadweight (where applicable):																									
9. Year of Build:	10. Date of Inspection:		11. Place of Inspection:																									
12. Classification Society:		13. Date of release from detention**:																										
14. <u>Ship Management Information:</u>																												
COFR Applicant:																												
Charterer:																												
ISM DOC Company:																												
Owner/Operator (if different than COFR or DOC):																												
15. Relevant Certificates/Documents**:																												
<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: left;">a) name</th> <th style="width: 25%; text-align: left;">b) issuing authority</th> <th style="width: 25%; text-align: left;">c) dates of issue and expiry</th> </tr> <tr><td>1) _____</td><td>_____</td><td>_____</td></tr> <tr><td>2) _____</td><td>_____</td><td>_____</td></tr> <tr><td>3) _____</td><td>_____</td><td>_____</td></tr> <tr><td>4) _____</td><td>_____</td><td>_____</td></tr> <tr><td>5) _____</td><td>_____</td><td>_____</td></tr> <tr><td>6) _____</td><td>_____</td><td>_____</td></tr> <tr><td>7) _____</td><td>_____</td><td>_____</td></tr> </table>					a) name	b) issuing authority	c) dates of issue and expiry	1) _____	_____	_____	2) _____	_____	_____	3) _____	_____	_____	4) _____	_____	_____	5) _____	_____	_____	6) _____	_____	_____	7) _____	_____	_____
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6) _____	_____																											
7) _____	_____																											

Circle all applicable parts for 16-19 below:

**16. Deficiencies Identified:**      No      Yes      (if yes circled, see Form B (CG-5437B))

**17. Major Control Action:**      No      Detention      Expulsion      Denial of Entry

**18. Priority:**      PI      PII      NPV      ISPS I      ISPS II      ISPS III

**19. Drills Conducted?**      No      Fire Drill      Abandon Ship Drill      ISPS/Security

Random  
Related Drill

**Copy provided to:** \_\_\_\_\_

(Signature)      (printed name of Master/Vessel representative)

**Name of PSCO:** \_\_\_\_\_

(Signature)      (printed name of duly authorized PSCO of reporting authority)

**Issuing Unit Name and Address:**  
forwarded to:

appropriate

**Reviewed by Supervisor:**

**Copies**

Check as

***U.S. Coast Guard***  
***Port State Control Report of Inspection- Form A***  
***(CG-5437A)***

**Instructions**

The Port State Control Report of Inspection – FORM A is intended to provide documentation to the various parties associated with a foreign vessel and other port States on the outcome of an International Ship & Port Facility Security Code (ISPS compliance verification examination) or Port State Control (PSC) safety examination conducted by the U.S Coast Guard. A Report of Inspection – FORM A, and a Report of Inspection - FORM B if there are deficiencies, shall be completed for all ISPS & PSC compliance exams.

The following guidance is provided for completing FORM A.

**Block 4** – See inside cover for list of ship types.

**Blocks 13, 14, 15, 16 and 17**– Shall be completed when the vessel is being detained, expelled or denied entry.

**Block 15** – Only certificates that are related to deficiencies that are grounds for detention need to be listed (e.g. If the ship is being detained for deficiencies with the lifeboat, then the Safety Equipment Certificate should be listed.)

**Block 16** – If checked “yes”, complete FORM B (CG-5437B).

Copies should be provided to the vessel, flag State and/or recognized organization/ RSO /classification society only after it has been signed by the Master and/or vessel representative and the PSCO.

In the event of a detention, a copy of FORM A and FORM B shall be provided to the Flag State and Recognized Organization/RSO/Class Society.

In the event of a detention, both forms shall be scanned and emailed to G-MOC at [fldr-g-moc@comdt.uscg.mil](mailto:fldr-g-moc@comdt.uscg.mil) with the return receipt option checked. These forms also shall be emailed or faxed to flag state and owner/operator/charterer & classification society and RSO if possible. The scanned Form A & B shall be placed in MISLE under documents for historical reference.

**Activity Types**

<b>Code</b>	<b>Activity</b>
PSC [type]	Port State Control Examination (Annual/Re-exam/Deficiency Check)
ISPS/MTSA	ISPS/MTSA Compliance Verification Examination
COC-CVE REN	Control Verification Examination (Renewal Exam)
COC-TVE REN	Certificate of Compliance/ Tank Vessel (Renewal Exam)
COC-CHEM REN	Certificate of Compliance/ Chemical Carrier (Renewal Exam)
COC-GAS REN	Certificate of Compliance/ Gas Carrier (Renewal Exam)
COC-CVE QTRLY	Control Verification Examination (Quarterly or Semi-Annual Exam)
COC-TVE ANN	Certificate of Compliance/ Tank Vessel (Annual Exam)
COC-CHEM ANN	Certificate of Compliance/ Chemical Carrier (Annual Exam)
COC-GAS ANN	Certificate of Compliance/ Gas Carrier (Annual Exam)
MAR*	MARPOL Examination
ISM *	ISM Examination
ILO*	ILO-147 Examination
LL*	Loadline Examination
STCW*	STCW Examination
BAL *	Ballast Water Examination

\* Do not need to record if completing in conjunction with a major examination

**Ship Types**

<b>IMO Code</b>	<b>Ships Types</b>
11	Tankship (general)
12	Combination Carrier (e.g. OBO)
13	Oil Tankship
14	Vegetable Oil Tankship
20	Gas Carrier (general)
21	LPG Carrier
22	LNG Carrier
30	Chemical Tankship
40	Bulk Carrier
41	Cement Carrier
51	Barge Carrier
52	Vehicle Carrier
53	Containership
55	Ro-Ro Cargo Ship
60	General Dry Cargo Ship
61	Refrigerated Cargo Ship
71	Passenger Ship
72	Ice Breaker
73	Factory Ship
74	Research Ship
75	Heavy Load Carrier
76	Offshore Supply Ship
77	Rescue/Standby Ship
78	Cutter/Dredger
83	Towboat/Tug
99	Other

[illegible]

Copy provided to: \_\_\_\_\_  
(printed name of Master/Vessel representative)

\_\_\_\_\_ (Signature)

Name of PSCO: \_\_\_\_\_  
(printed name of duly authorized PSCO of reporting authority) (Signature)

**Issuing Unit Name and Address:**

**Copies forwarded to:**  
(Check as appropriate)

- \_\_\_ Agent
- \_\_\_ Flag State
- \_\_\_ Recognized Organization
- \_\_\_ RSO
- \_\_\_ Ship Management

Reviewed by Supervisor:  
(print name, sign and date)

20 Ship expelled  
25 Ship denied entry  
a To the satisfaction of Class/RO/RSO  
b To the satisfaction of the Administration  
c To the satisfaction of the Coast Guard

1 This inspection was not a full survey and deficiencies listed may not be exhaustive. In the event of a detention, it is recommended that a full survey is carried out and all deficiencies are rectified before an application for re-inspection is made.

2 Codes for action taken, see below. (Note: code numbers are derived from international harmonization; US uses similar codes and those numbers are reflected below)

- 10 Deficiency Rectified
- 15 Rectify deficiencies by next port
- 40 Rectify deficiencies within 7 days
- 16 Rectify deficiencies within 14 days
- 50 Rectify deficiencies within 30 days

17 Rectify deficiencies prior to departure  
60 Rectify deficiencies prior to movement  
70 Rectify deficiencies prior to next US port after sailing  
foreign  
30 Ship detained

20 Ship expelled  
25 Ship denied entry  
a. To the satisfaction of Class/RO/RSO  
b. To the satisfaction of the Administration  
c. To the satisfaction of the Coast Guard

***U.S. Coast Guard***  
***Port State Control Report of Inspection- Form B***  
***(CG-5437B)***

**Instructions**

The Port State Control Report of Inspection – FORM B is intended to accompany the Port State Control Report of Inspection – FORM A and provide documentation to the various parties associated with a foreign vessel and other port States on the outcome of an ISPS compliance verification exam or Port State Control (PSC) safety examination conducted by the U.S. Coast Guard. A Report of Inspection, FORM B, shall be completed for all ISPS compliance verification exam and PSC examinations when deficiencies have been identified.

The following guidance is provided for completing the FORM B.

**Block 6** – See inside and the rear cover for list of deficiency codes.

Copies should be provided to the vessel, flag State and/or classification society only after it has been signed by the Master or vessel representative and the PSCO.

In the event of a detention, a copy of FORM A and FORM B shall be provided to the flag State, ship management and recognized organization/RSO/classification society.

In the event of a detention, both forms shall be scanned and emailed to G-MOC at [fldr-g-moc@comdt.uscg.mil](mailto:fldr-g-moc@comdt.uscg.mil) with the return receipt option checked. These forms shall also be emailed or faxed to flag State owner/operator/charterer, classification society, and RSO if possible.

The scanned version shall be placed in MISLE under documents for historical reference.

Action codes are included on the bottom of Form B, which will satisfy the ‘action taken’ column. All 4 columns in block 12 must be completed.

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## DEFICIENCY CODES

Code	Category/Description	Code	Category/Description	Code	Category/Description	Code	Category/Description	
<b>0100</b>	<b><u>Ship's certificates and document</u></b>	0715	Detection	1440	Bilge pumping arrangements	1911	P&A manual	
0110	Cargo ship safety equipment	0720	Fire fighting equipment	1450	UMS – ship	1920	Efficient stripping	
0111	Cargo ship safety construction	0725	Fixed fire extinguishing installation	1460	Guards and fencing	1925	Residual discharge systems	
0112	Passenger ship safety	0730	Appliances (general equipment)	1470	Insulation wetted through (oil)	1930	Tank washing equipment	
0113	Cargo ship safety radio	0735	Personal equipment – fire fighting	1499	Other (Prop. & Aux. Machinery)	1940	Prohibited discharge of NLS slops.	
0114	cargo ship safety	0740	Pumps	<b>1500</b>	<b><u>Navigation</u></b>	1960	Cargo heating systems cat- b subst.	
0115	harmonized System of Certificates	0745	Fire-dampers remote control, etc.	1510	Navigation equipment	1970	Ventilation procedures/ equipment	
0116	International Ship Security Certificate	0750	Fire prevention	1520	Shipborne navigational equipment	1980	Pollution report – annex II	
0117	Continuous Synopsis Record	0799	Other (Fire fighting equipment)	1530	Radar	1990	Ship type designation – annex II	
0120	Load Lines	<b>0800</b>	<b><u>Accident prevention</u></b>	1540	Gyro compass	1999	Other (MARPOL Annex II)	
0130	Liquefied gas un bulk Cof/GC-code	0810	personal equipment-accid-prevent	1541	Signs indications	<b>2000</b>	<b><u>SOLAS related operational defic.</u></b>	
0131	Liquefied gas in bulk Cof/BC-code	0820	Protection machines/parts	1550	Lights shapes and sound signal	2010	Muster list	
0135	Minimum safe manning certificate	0830	Pipes wires (insulat)-accident prev.	1551	Signalling lamp	2015	Communication	
0140	Danger chemical bulk Cof/BC-code	0899	Other (acid prevent)	1560	Charts	2020	Fire drills	
0141	Danger chemical bulk Cof/BC-code	<b>0900</b>	<b><u>Safety in general</u></b>	1570	Nautical publications	2025	Abandon ship drills	
0150	Oil pollution prevention (IOPP)	0910	Closing devices watertight doors.	1575	Echosounder	2030	Damage control plan	
0155	Poll. Prevent. noxious liquid subst.	0915	Signs indications	1580	Log	2035	Fire control plan	
0170	Doc. Compliance dangerous goods	0920	Safety plan	1581	Rudder angle indicator	2040	Bridge operation	
0190	Ship's logbooks/compulsory entries	0925	Musters and drills	1590	International code of signals	2045	Cargo operation	
0199	Other (certificate)	0930	Stability/strength	1599	Other (Navigator)	2050	Operations of machinery	
<b>0200</b>	<b><u>Crew</u></b>	0936	Steering gear	<b>1600</b>	<b><u>Radio</u></b>	2055	Manuals instructions etc.	
0210	Minimum age	0938	Hull damage impairing seaworthiness	1610	Auto alarm	2060	Dangerous goods / harmful sub pack	
0220	certificates of competency	0940	Ballast fuel and other tanks	1615	Watch receiver 218KHz	2099	Other (SOLAS Operational Def.)	
0230	Number/composition (manning)	0945	Emergency lighting, etc.	1620	Main Installation	<b>2100</b>	<b><u>MARPOL related operational defic.</u></b>	
0240	Medical Certificates	0950	Electric equipment in general	1621	MF radio installation	2110	Oil/Oily mixtures machinery spaces.	
0250	Certif. Persons for survival craft.	0955	Pilot ladders	1623	MF/HF radio installation	2115	Loading/ unloading/ cleaning proc. Carg	
0299	Other (crew)	0956	Gangway accommodation ladder	1625	INMARSAT ship earth station	2120	Garbage	
<b>0300</b>	<b><u>Accommodation</u></b>	0960	Means of escape	1630	Reserve installation	2199	Other (MARPOL operational Def.)	
0310	Dirty parasites	0970	Location emergency installation	1635	Maintenance/duplicat. Of equipment	<b>2200</b>	<b><u>Marine pollution – Annex III</u></b>	
0320	Ventilation heating accommodation	0981	Beams, frames,floors – opps damages	1640	Direction finder	2210	Packaging	
0330	Sanitary facilities	0982	Beams, frames, floors – corrosion	1650	VHF station	2220	Marking and labeling	
0340	Drainage	0983	Hull – corrosion	1651	VHF radio installation	2230	Documentation	
0350	Lighting accommodation	0984	Hull – cracking	1655	Facilities for receipt marine safety	2240	Stowage	
0360	Pipes wires (insulation) accomm.	0985	Bulkheads – corrosion	1660	Radiotelegraph motorlifeboat	2299	Other (MARPOL Annex III)	
0370	Sick bay	0986	Bulkheads – operational damages	1670	Portable radio installation	<b>2500</b>	<b><u>ISM related deficiencies</u></b>	
0371	Medical equipment	0987	Bulkheads – cracking	1671	Satellite EPIRB 406MHz/1.6GHz	2510	Safety and environmental policy	
0399	Other (accommodation)	0988	Deck – corrosion	1673	VHF EPIRB	2515	Company responsibility and authority	
<b>0400</b>	<b><u>Food and catering</u></b>	0989	Deck – cracking	1675	Ships radar transponder	2520	Designated person	
0410	Gallery handling rooms	0999	Other (safety in general)	1677	Reserve sources of energy	2525	Masters responsibility and authority	
0420	Provisions	<b>1000</b>	<b><u>Alarms – signals</u></b>	1680	Radio log (diary)	2530	Resources and Personnel	
0430	Water pipes and tanks	1010	General alarm	1685	Operation/ maintenance	2535	Development of plans for shipboard ops	
0499	Other (Food and Catering)	1020	Fire alarm	1699	Other (Radio)	2540	Emergency preparedness	
<b>0500</b>	<b><u>Working Space</u></b>	1030	Steering gear alarm	<b>1700</b>	<b><u>Marine pollution – Annex I</u></b>	2545	Reports/Analysis of non-conformities etc.	
0510	Ventilation Heating work spaces	1040	Engineers' alarm	1705	SOPEP missing or deficient	2550	Maintenance of ship and equipment	
0520	Lighting- working spaces	1050	Inert gas alarm	1710	Oil record book	2555	Documentation	
0599	Other (working spaces)	1060	Machinery controls alarm	1720	Control of discharge of oil	2560	Company verification, review and evaluat	
<b>0600</b>	<b><u>Life saving appliance</u></b>	1070	UMS alarms	1721	Retention of oil; on boards	2565	Certification, verification, and control	
0610	Lifeboats	1080	Boiler – alarms	1725	Segregation of oil & water ballast	<b>3000</b>	<b><u>ISPS/Security related deficiencies</u></b>	
0611	Lifeboat inventory	1099	Other (alarm – signals)	1730	Oily-water separating equipment	3010	Ship Security Plan	
0613	Stowage of lifeboats	<b>1100</b>	<b><u>Cargo</u></b>	1735	Pumping discharge arrangements	3020	Declaration of Security	
0615	Rescue Boats	1110	Stowage of cargo	1740	Oil discharge mon/contr system	3030	Logs/ Records	
0616	Rescue boats inventory	1120	Grain	1745	15 PPM alarm arrangements	3031	Training	
0618	Stowage of rescue boats	1130	Stow/pack, dangerous goods	1750	Oil/water interface detector	3032	Drills	
0620	Inflatable liferafts	1135	Dangerous liquid chemicals in bulk	1760	Standard discharge connection	3040	Ship ID Numbers	
0625	Rigid liferafts	1138	Liquefied gases in bulk	1770	SBT,CBT,COW	3041	Security placards	
0628	Stowage of liferafts	1140	Other cargoes	1780	Pollution report – Annex I	3050	Access control	
0630	Launch arrangt. for survival craft.	1150	Loadings and unloading equipment	1790	Ship type designation – Annex I	3051	Restricted areas	
0635	Launch arrangt. for rescue boats	1160	Holds and tanks	1795	Other (Suspected of Discharge	3060	Screening Process	
0640	Distress flares	1170	Dangerous goods code	Violation)	1799	Other (MARPOL Annex I)	3061	Response procedures
0650	Lifebuoys	1199	Other (cargo)	<b>1800</b>	<b><u>Tankers</u></b>	3062	Evacuation procedures	
0660	Lifejackets	<b>1200</b>	<b><u>Load Lines</u></b>	1810	Cargo area segregation	3063	Reporting Security Incidents	
0663	Immersion suits	1210	Overloading	1815	Air intakes mach. & control station	3064	Communications	
0666	Thermal protective aids	1220	Freeboard marks	space	1816	Wheelhouse door – window	3070	Automatic Identification System
0669	Radio-life saving appliance	1230	Railing cat walks	1820	Cargo pumproom / handing spaces	3071	Ship Security Alert System	
0670	Portable radio app. for surv. Craft	1240	Cargo and other hatchways	1825	Spaces in cargo area	3072	Maintenance/Calibration/Testing	
0671	Radiotelegraph install. for survival craft.	1250	Covens (hatchways tarpaulins)	1830	Cargo transfer	3073	Other Security Equipment	
0672	EPIRB's for survival craft	1260	Windows side scuttles	1835	Cargo vent system	3080	Vessel Security Level	
0673	2way radiotelegraph app. for surv. Craft	1270	Doors	1836	Temperature control	3090	Ship Security Officer	
0674	Emergency equip. for 2-way commun.	1275	Ventilations air pipes	1840	Instrumentation	3091	Shipboard Personnel	
0675	General Emergency Alarm	1280	Machinery space openings	1850	Fire protection cargo deck area	3099	Other (ISPS/Security related deficiencies)	
0676	Public address system	1282	Manholes flush scuttles	1860	Personnel protection	<b>9800</b>	<b><u>Other (clearly hazardous)</u></b>	
0680	Embarkation arrang. Surv. Craft	1284	Cargo ports etc.	1870	Special requirements	<b>9900</b>	<b><u>Other (not clearly hazardous)</u></b>	
0683	Embarkation arrang. Rescue boat	1286	Scuppers inlets etc.	1880	Cargo information			
0684	Means of recovery life saving appl.	1288	Freeing ports	1885	Tank entry			
0685	Marking Number Capacity	1290	lashing (timber)	1899	Other (tankers)			
0686	Buoyant apparatus	1299	Other (Load Lines)	<b>1900</b>	<b><u>MARPOL Annex II</u></b>			
0690	Line throwing apparatus	<b>1300</b>	<b><u>Mooring arrangements</u></b>	1910	Cargo record book			
0695	Training/instruction manual	1310	Ropers, wires					
0696	Record of inspections/maintenance	1320	Anchoring devices					
0699	Other (Life Saving Appliances)	1330	Winches and capstans					
<b>0700</b>	<b><u>Fire fighting appliances</u></b>	1340	Adequate lighting					
0710	Fire prevention	1399	Other (Mooring Arrangements)					
		<b>1400</b>	<b><u>Propulsion &amp; aux. Machinery</u></b>					
		1410	Propulsion main engine					
		1420	Cleanliness of engine room					
		1430	Auxiliary engines					



Summary of Changes.

Ch-1.

1. Revised all references to “COTP” to “COTP or OCMI”.
2. Added requirement in Headquarters/Area/District Notification to provide information copy of Form A and Form B to applicable District and Area staff in cases that merit detention, expulsion from port, or denial of entry.
3. Modified IMO Detention Notification Responsibility Chart to provide information copy of Form A and Form B to applicable District and Area staff in cases that merit detention, expulsion from port, or denial of entry.
4. Modified IMO Detention Notification Responsibility Chart to include notification responsibilities for both non-major and major security-related control actions.
5. Modified IMO Detention Notification Responsibility Chart to include definition of non-major and major security-related control actions.
6. Changed MISLE Documentation 24 hour requirement to include all detentions, expulsions, and denials of entry.
7. Added new section on Immediate MISLE Reporting.
8. Added new section on Port State Control Report of Inspection.
9. Added CG-5437A (Form A) and form instructions
10. Added CG-5437B (Form B) and instructions.

Enclosure (4) to NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 06-03,  
CH-1

**ENCLOSURE 4**

**PSC ENFORCEMENT AND CONTROL PROCEDURES, CH-1**



## **PSC ENFORCEMENT AND CONTROL PROCEDURES, CH-1**

This enclosure details the guidelines and procedures for PSC Enforcement and Control.

### **ENCLOSURE 4 -**

#### **A. Enforcement**

1. Philosophy
2. Provisions/Authority
  - a. International Provisions/Authorities
  - b. U.S. Provisions that are applicable to foreign-flag vessels

Table 4-1: Vessel Types and Regulating Provisions and Authorities

#### **B. Clear Grounds**

Figure 4-1: Thresholds for Clear Grounds and Control Actions with Security versus Safety Deficiencies

#### **C. Vessel Control Procedures for Security and Safety**

1. Denial of Entry/Expulsion
2. IMO Reportable Detentions
3. Captain of the Port (COTP) Order
4. Customs Hold
5. Restrictions of Operations/Vessel Movement
6. Delay
7. Comprehensive Security Inspection
8. Letter of Deviation
9. Flag State Notification
10. Lesser Administrative/Corrective Measures

#### **D. Administrative Enforcement Measures**

1. Civil Penalty Adjudication
2. Civil Penalty
3. Letter of Warning

**Appendix A to Enclosure 4 Examples of Detainable Deficiencies For Security and Safety**

**Appendix B to Enclosure 4 International Port Security Program and Country Advisories**



A. Enforcement.

1. Philosophy.

The primary purpose of the Port State Control (PSC) program is the elimination of substandard vessels from U.S. waters. One of the primary mechanisms to accomplish this purpose is the identification of, and subsequent notification of, substandard vessels to the global community. By notifying the global community of problem vessels, more worldwide resources are brought to bear on improving maritime safety and security. Substandard foreign vessels and vessels that may arrive from substandard ports pose safety or security threats to U.S. ports. In response to these threats, the Coast Guard has dramatically increased foreign vessel boardings and subsequent enforcement and control actions. Proper enforcement and control procedures should be followed to ensure all maritime entities are held accountable. For example, if a unit issues a vessel a Captain of the Port (COTP) Order but not a formal IMO Detention, it is correcting the problem locally. However, it is not alerting the domestic and global communities that the vessel and its associated parties (flag, owner, class, etc.) may be substandard. Domestically, the Coast Guard's foreign vessel targeting methodology, which is based on historical detentions, is rendered inaccurate. Globally, substandard vessels and their associated parties are not held accountable through IMO, and therefore, they can continue to operate without any restrictions. Finally, this action can hinder the Coast Guard's ability to provide accurate statistics needed to gain congressional support for the program. This support hinges on the field's ability to maintain data integrity and quality control and to pick the correct enforcement posture in each circumstance.

2. Provisions/Authorities.

Several international and U.S. provisions grant the Coast Guard the authority to enforce PSC on foreign vessels. PSC program responsibility, through policy and regulations, lies with the OCMI, and in certain cases, the OCMI will use COTP authorities when implementing control actions

a. International Provisions/Authorities.

(1) International Convention for the Safety of Life at Sea (SOLAS).

SOLAS Chapter I, Regulation 19, authorizes port states to board foreign vessels to determine the validity of their SOLAS certificates. Where "clear grounds" indicate that a vessel is not in substantial compliance with applicable requirements, the port state is authorized to take necessary steps to ensure that the vessel does not sail until it no longer poses a danger to the environment, port, vessel, or persons on board.

- (2) International Ship and Port Facility Security (ISPS) Code. SOLAS Chapter XI-2, Regulation 9, authorizes port states to board foreign vessels to determine the validity of their International Ship Security Certificate. Where “clear grounds” indicate that a vessel is not in substantial compliance with applicable requirements, the port state is authorized to impose any number of control measures including inspection of the ship, delaying the ship, detention of the ship, restriction of operations (including movement within the port), expulsion of the ship from port, or denial of entry. The port state is also authorized to impose lesser administrative or corrective measures. Any measures imposed shall be proportionate and directed at mitigating the security noncompliance.
- (3) International Convention on Load Lines 1966 (ICLL). ICLL Article 21(1) and (2) provide the port state with the authority to board foreign vessels to verify the validity of the vessel’s certificate and to determine that the vessel is not loaded beyond its allowable limits, that the position of the load line corresponds with the certificate, and that the vessel has not been so materially altered that it is manifestly unsafe to proceed to sea without danger to human life. The port state is authorized to take control actions as may be necessary to ensure compliance with the convention.
- (4) International Convention for the Prevention of Pollution from Ships (MARPOL) 73/78. Article 5(2) provides port states with the authority to inspect foreign vessels to verify the validity of MARPOL certificates. Where “clear grounds” indicate that the vessel is not in substantial compliance with the convention, the port state is authorized to take such steps to ensure that the vessel does not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- (5) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended in 1995 (STCW 95). Ships may be detained under STCW 95 authority if the deficiencies pose a danger to persons, property or the environment. These deficiencies are described in STCW Regulation I/4. Regulation I/4 will be the only cite used if a detention is warranted.
- (6) International Labor Organization (ILO) Convention No. 147. Article 4 of ILO 147 prescribes that port states may take necessary measures to rectify any conditions on board which are clearly hazardous to safety or health. The U.S. has not enacted legislation to allow specific enforcement of this treaty. However, under the Ports and Waterways Safety Act (PWSA, specifically 33 USC 1223), the COTP or OCMI may exercise control over a vessel that is not in compliance with any applicable law or treaty. When a vessel poses a serious health threat to the crew, PWSA allows the COTP or OCMI to use ILO 147 as a reference to measure the threat to the port and the crew and then to

take action accordingly. Additional guidance may be found in COMDTINST 16711.12.

- (7) International Safety Management Code (ISM). Ships may be detained under the ISM Code if there is an apparent breakdown in the Safety Management System of the vessel. If this occurs, an audit should be performed. Significant deficiencies should result in a more comprehensive examination. If a Major non-conformity is discovered, then expulsion from port or denial of entry, with the potential of restrictions on future entry to U.S. ports, should be considered.

b. U.S. Provisions/Authorities that are applicable to foreign-flag vessels.

- (1) Maritime Transportation Security Act (MTSA). [107 P.L. 295 / 33 CFR Subchapter H]: This is the controlling authority typically associated with *security*-related COTP Orders.
- (2) Ports and Waterways Safety Act (PWSA). [33 USC 1221 et seq/ 33 CFR 160.101]: This is the controlling authority typically associated with *safety*-related COTP Orders. It can also be used to implement VTS measures for traffic separation schemes, Regulated Navigation Areas (RNAs) or Safety Zones.
- (3) Magnuson Act. [50 USC 191/33 CFR Part 6]: This is the controlling authority typically associated with *security*-related COTP Orders. This can be used to respond to acts of terrorism against a person, vessel, or structure, or to restrict waterfront access to sensitive areas.
- (4) 33 USC 1226. This statute, separate from Magnuson Act authority, allows the COTP or OCMI to take various measures to prevent or respond to an act of terrorism against individuals, vessels, or public or commercial structures within the marine environment. These measures include, but are not limited to, security and safety zones.
- (5) Special Local Regulations (SLR). [33 CFR 100.35]. These regulations established safety zones for marine events and can only be promulgated by the cognizant District Commander.
- (6) Regulated Navigation Area (RNA). [33 USC 1231 with implementing regulations of 33 CFR Part 165]. These are safety zones established for emergency measures or unanticipated events and can only be issued by cognizant District Commander.
- (7) Naval Vessel Protection Zone (NVPZ). [14 USC 91/33 CFR Part 165] These regulations designate a 500-yard security zone around all naval vessels greater than 100 feet in length.
- (8) 46 USC 91. This statute requires that all vessels departing the U.S. for a foreign port and all foreign vessels departing one U.S. port for another U.S. port obtain U.S. Customs clearance. To ensure monetary satisfaction or surety for civil penalties, the PWSA, at 33 USC 1232 gives the COTP or OCMI authority to request Customs withhold or revoke clearance (commonly referred to as a "Customs hold").



(9) 33 CFR 164.55. This is the authority that allows the COTP or OCMI to grant deviations from any navigation regulation contained in 33 CFR Part 164.

- c. The table below highlights international and domestic regulatory control instruments that can be exercised on a foreign vessel in order to ensure compliance.

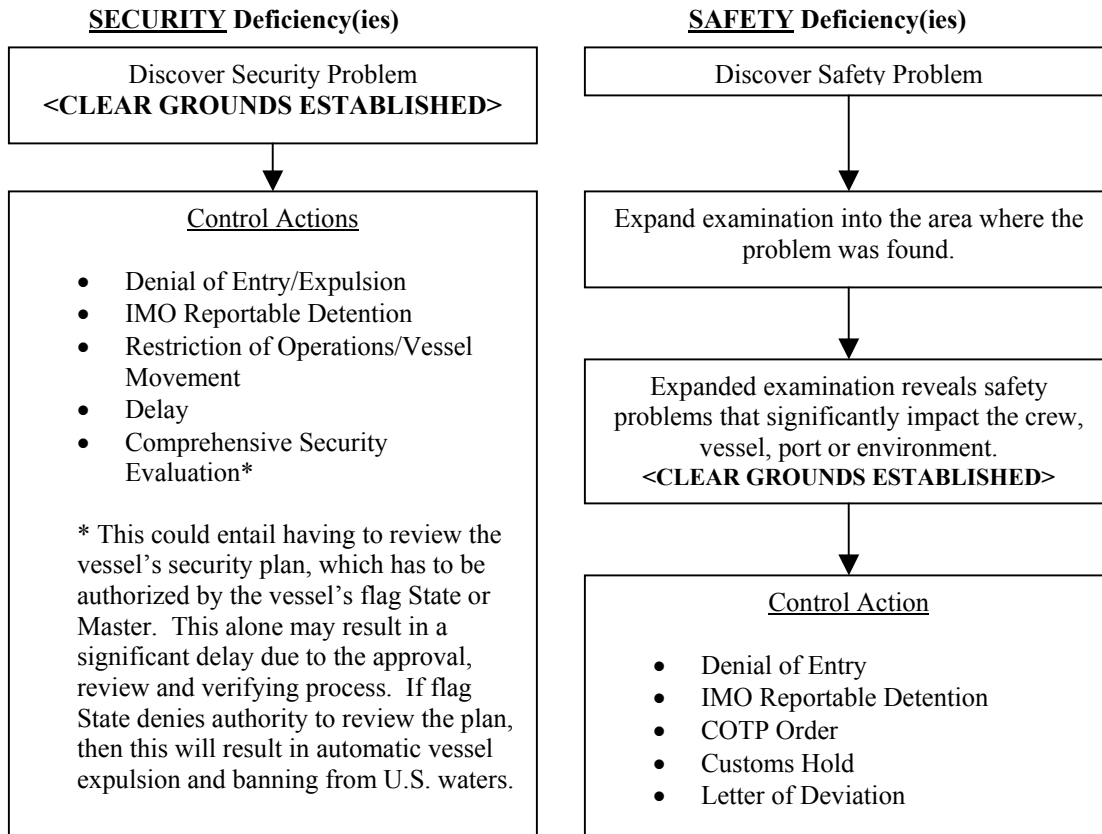
**Table 4-1: Vessel Types and Regulating Provisions and Authorities**

<b>Vessel Type</b>	<b>SOLAS</b>	<b>ICLL</b>	<b>MARPOL</b>	<b>STCW 95</b>	<b>ILO 147</b>	<b>ISM Code</b>	<b>ISPS</b>	<b>MTSA</b>
<b>Passenger</b>								
0 to 99 GT	X			X	X	X	X	
100 to 149 GT	X			X	X	X	X	X
150 to 399 GT	X	X		X	X	X	X	X
> 400 GT	X	X	X	X	X	X	X	X
<b>Tank Ships</b>								
0 to 99 GT				X	X			
100 to 149 GT				X	X			X
150 to 499 GT		X	X	X	X			X
> 500 GT	X	X	X	X	X	X	X	X
<b>Cargo Ships</b>								
0 to 99 GT				X	X			
100 to 149 GT				X	X			X
150 to 399 GT		X		X	X			X
400 to 499 GT		X	X	X	X			X
> 500 GT	X	X	X	X	X	X	X	X

#### B. Clear Grounds.

Clear Grounds means that there is enough information about security or safety deficiencies on a vessel to impose appropriate control actions against the vessel within U.S. waters. Clear grounds for imposing control actions against a vessel under the new security regulations have a substantially lower threshold than do those for safety related deficiencies. Clear grounds are established for security control actions immediately upon discovery of a security problem. Note the difference in the clear grounds and control action thresholds with security versus safety deficiencies in Figure 4-1.

**Figure 4-1: Thresholds for clear grounds and control actions with security versus safety deficiencies.**



### C. Vessel Control Procedures for Security and Safety.

The COTP or OCMI shall institute appropriate control actions to safeguard the port, personnel, and the environment, when “clear grounds” have been established and/or a vessel arrives from a port that does not maintain adequate anti-terrorism measures. Such actions should be appropriate to the deficiencies. When the deficiencies do not render a vessel detainable—or, in the case of security, not subject to denial of entry or expulsion—the control actions should account for the vessel’s effort to rectify such deficiencies immediately.

1. *Denial of Entry/Expulsion.* Use this control option only when allowing a vessel into U.S. waters creates an unacceptable level of risk, which is defined as an “immediate threat” to the port, personnel or the environment. This should not be the first choice in dealing with substandard vessels and should be limited to the most egregious circumstances. In some cases, a substandard vessel may already be in U.S. waters when a PSC exam initiates an IMO detention. Some of these cases may lead to expulsion of the vessel after it has

met minimum specified standards to leave port. Examples of conditions that could warrant denying a vessel entry or expulsion from port include, but are not limited to, the following:

- a. Lack of onboard International Ship Security Certificate (or approved VSP for foreign non-SOLAS vessels);
  - b. Lack of an approved Ship Security Plan;
  - c. Lack of an assigned Ship (Vessel) Security Officer;
  - d. Ship (Vessel) Security Officer cannot display an acceptable level of competency in regards to vessel security;
  - e. Inability of crewmembers with security responsibilities to identify the locations of the Ship Security Alert system;
  - f. Arrival from a port in a country that does not maintain adequate anti-terrorism measures and refusal to comply with any additional conditions of entry as a result of an arrival from the last port or ports of call;
  - g. Submission of untimely or incomplete Notice of Arrival (NOA);
  - h. Incompatible cargoes stowed in adjacent tanks;
  - i. Cargoes being carried that are not authorized by the LOC;
  - j. Cargo leaks from tanks or piping systems;
  - k. LNG/LPG Gas detection system inoperative;
  - l. Vessel carrying cargoes not authorized to carry;
  - m. Lack of ISM Certification;
  - n. Lack of COFR;
  - o. Lack of Vessel Response Plan; and/or
  - p. IGS system deficiencies.
2. IMO Reportable Detentions. A vessel is deemed substandard when clear grounds are discovered during a thorough PSC examination that it poses an undue risk to the crew, vessel, port, or environment. An IMO detention should be the primary course of action when there are clear grounds that a vessel is substandard and corrective measures must be taken. The field's efforts to hold substandard vessels accountable will have far reaching effects, not only for the Coast Guard's PSC program but also toward meeting international expectations. Refer to Appendix A for specific examples of detainable deficiencies under their corresponding authorities.
3. Captain of the Port (COTP) Order. A COTP Order is another option to protect the safety and security of the port. An order can be used to implement a variety of control actions, including controlling the vessel's movement as it enters or departs a port or it may be used to order a vessel out of port. The COTP may also process a civil penalty for failure to comply with a COTP Order and is not a substitute for pursuing and processing a detention under the applicable provisions of SOLAS, the ISPS Code, MARPOL, or the Load Line Convention.
- a. Controlling the Ship's Movement. Depending on the deficiencies discovered, a COTP Order should be used to control or restrict the vessel's

movement or operations. Many additional applications exist, not all of which are related to the condition of a vessel (e.g. A COTP Order may be used to order a vessel to a specific anchorage to protect a port during a hurricane.).

- b. Controlling the Ship's Movement for Security. If there is a concern that the vessel poses a risk to the port or vessel from sabotage or other subversive acts, a COTP Order requiring the presence of armed escort personnel onboard the vessel during the transit is warranted.
  - c. Controlling the Ship's Movement for Safety. If the deficiency relates to the vessel's navigational equipment, the COTP Order might require an assist tug or may restrict a vessel to daylight operations. If the deficiency relates to pollution prevention equipment, the COTP Order may prohibit a vessel from bunkering or lightering until corrective measures are taken.
4. Customs Hold. Under the authority of 46 U.S.C. 91, vessels intending to depart the U.S. for a foreign port should obtain a clearance from the Bureau of Customs and Border Protection (BCBP). Whenever a vessel is alleged to have violated certain U.S. safety and pollution laws, the Coast Guard may request that the BCBP deny or withhold the required clearance from the vessel until a letter of undertaking or surety bond is posted. In cases involving alleged violations of the MTSA regulations, the COTP or OCMI should first consult with the appropriate district legal office for guidance. This control should not be relied upon when a PSC detention is the appropriate option.
5. Restrictions of Operations/Vessel Movement. Restrictions on vessel operations or movements may be imposed if vessel deficiencies pose security or safety threats. Security deficiencies on a vessel or at a facility receiving vessels that present a danger to either the vessel or facility may be addressed one of two ways. The deficiencies may be corrected prior to arrival, or the vessel may be ordered to proceed to a safe location until the deficiencies are corrected. A vessel with a deficiency that does not affect its fitness to proceed to sea may be ordered to correct the deficiencies. If the vessel is not restricted from departing or is not required to affect corrective measures before departure, this is not considered a detention. When the orders are given solely to comply with U.S. regulations, they should be issued under the PWSA and through a COTP Order.
6. Delay. Security deficiencies that should be corrected before the vessel enters port may be addressed by delaying the vessel until the deficiencies are corrected. For example, if the port is at MARSEC level 2 (generally equivalent to security level 2) and the arriving vessel is at security level 1, the ship should implement the additional security requirements of security level 2 plus the additional requirements of MARSEC level 2 before the vessel may be allowed to enter port.

7. Comprehensive Security Inspection. This is the minimum control action to take when clear grounds of a security deficiency have been established. Similar to the expanded exam for a safety violation, this expanded security inspection is very detailed, possibly including a review of relevant portions of the ship security plan. If these plans include sensitive sections, authorization from the Master and/or flag state (as appropriate) should be obtained before this aspect of this control action can be undertaken. If authorization is not obtained, the vessel should be considered for denial of entry, expulsion from port, or an IMO detention, depending on the circumstances. The prevailing need to keep U.S. ports secure justifies the potential delays to commerce that may result from this control action.
8. Letter of Deviation. The COTP or OCMI may authorize, upon written application, a deviation from any rule in 33 CFR Part 164. However, the risks imposed by equipment failures reported IAW 33 CFR 164.53, and casualties reported IAW 46 CFR 4.05, should be considered before issuing a Letter of Deviation. A boarding and examination prior to issuing a Letter of Deviation should be considered in those cases involving vessels at high risk from a safety perspective. Issuance of a Letter of Deviation does not preclude the possibility of pursuing civil penalty action and is not an appropriate control action for security deficiencies.
9. Flag State Notification. Whenever a foreign vessel is denied entry to a port or offshore terminal, or is detained, the unit taking that action should notify the flag state as soon as possible. Points of contact are provided on the Port state Control Website at <http://www.uscg.mil/hq/g-m/pscweb/index.htm>. IMO Assembly Resolution A.787(19), as amended by A.882(21), requires that port states initiating control actions notify the flag administration forthwith. Further, for maritime security-related control actions, such as inspection of the ship (as discussed in SOLAS Chapter XI-2, Reg. 9.8.1), delaying the ship, detention of the ship, restriction of operations, including movement within the port, or expulsion of the ship from the port, the unit making the control action should also notify the flag state as soon as possible. Notification should be in writing within 24 hours of initiating the action. Depending on the circumstances, flag state notification presents the best opportunity for the COTP or OCMI to ask the flag administration for permission to review relevant portions of the ship security plan. Submittal of Forms A and B is acceptable for flag state notification; however, if such notification includes a request to review portions of the security plan, a brief letter to this effect stating the reasons such review is necessary should also be included. Should any difficulties be encountered in making this notification, contact G-MOC-2 for additional information.
10. Lesser Administrative/Corrective Measures. The COTP or OCMI may choose to enforce lesser administrative or corrective measures for certain security

deficiencies. For example, if a vessel is found with a non-detainable (or not subject to denial of entry or expulsion) security deficiency and it corrects the deficiency to the satisfaction of the PSCO before the vessel experiences any delay, a lesser corrective measure has occurred. Such measures are not considered reportable control actions under SOLAS Chapter XI-2 and do not need to be reported to the flag administration.

D. Administrative Enforcement Measures (apply to both security and safety violations).

1. Civil Penalty Adjudication. Civil penalty proceedings should be initiated for all major non-criminal violations, for repeat offenses, and any minor violations that are not corrected prior to returning to a U.S. port. Penalty amounts are determined by the circumstances under which the violation occurred; seriousness of the violation; culpability of the party; prior history of similar violations, economic benefit of noncompliance to the responsible party.
2. Civil Penalty. The COTP or OCMI may process a civil penalty case for violations of U.S. laws or regulations. Civil Penalty provisions for violations of the MTSA are located in 33 CFR Subchapter H. Civil penalty enforcement should be pursued in all cases against those involved parties that are in the best position to bring about compliance and those who can best deter future violations.
3. Letter of Warning. This correspondence is appropriate for minor first-time violations that are corrected immediately by vessel operators. The discovery of administrative errors in dangerous cargo manifests is an example of a minor violation. However, a history in MISLE of continuing violations indicates the need for more stringent enforcement actions. A Letter of Warning can be issued to all parties (owner/ operator/ agent) involved with a vessel.

Summary of Changes.

Ch-1.

1. Added new Appendix B to Enclosure (4), International Port Facility Program and Country Advisories.

**APPENDIX A TO ENCLOSURE 4**

**EXAMPLES OF DETAINABLE DEFICIENCIES FOR SECURITY AND  
SAFETY, CH-1**



Appendix A to Enclosure (4) to NAVIGATION AND VESSEL INSPECTION  
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## APPENDIX A

### EXAMPLES OF DETAINABLE DEFICIENCIES FOR SECURITY AND SAFETY, CH-1

#### A. DOCUMENTATION DISCREPANCIES

1. Documents not available.
2. Document missing the name of its issuing authority.
3. Document does not identify the vessel.
4. Document lacks an issue date, signature of the duly authorized official issuing the document, or seal or stamp of the issuing authority.
5. Disparities between actual condition on vessel and documentation listing.

#### B. INTERNATIONAL SHIP AND PORT FACILITY SECURITY (ISPS) CODE

1. Lack of or expired/invalid International Ship Security Certificate or interim International Ship Security Certificate (deny entry/expel from port).
2. Lack of/incomplete approved ship security plan (deny entry/expel from port).
3. Lack of an assigned ship security officer (deny entry/expel from port).
4. Ship security officer cannot display an acceptable level of competency in regards to vessel security (may deny entry/expel from port).
5. Crew anomalies (e.g. gross incompetence, unaccounted personnel, overstaffed, fraudulent documents, etc.) (may deny entry/expel from port)
6. Inaccurate or incomplete Notice of Arrival information (may deny entry/expel from port).
7. Evidence that serious deficiencies exist in the vessel's security equipment, documentation or arrangements.
8. Master or crewmembers not familiar with essential shipboard security procedures.
9. Inability of crewmembers to establish communications with other key members with security responsibilities.
10. Missing or inoperable ship security alert system.
11. Lack of Declaration of Security when required or agreed upon amongst parties (may delay vessel).
12. Evidence that cargo handling security procedures are not in place (may restrict operations, delay vessel and/ or expel from port).
13. Poor screening procedures associated with passenger access control or unaccompanied passenger baggage (may restrict operations, delay vessel and/ or expel from port).

#### C. INTERNATIONAL CONVENTION OF SAFETY OF LIFE AT SEA (SOLAS)

1. Failure of proper operation of essential machinery.
2. Insufficient cleanliness of engine room.

3. Failure of proper operation of emergency generator, lighting, batteries, etc.
4. Failure of proper operation of steering gear (any modes).
5. Absence, insufficient capacity, or serious deterioration of any lifesaving appliances.
6. Absence, insufficient capacity, or serious deterioration of any firefighting appliances or fire protection (including structural).
7. Absence, substantial deterioration, or failure of proper operation of cargo deck area fire protection on tankers.
8. Absence, noncompliance, or serious deterioration of lights, shapes, or sound signals.
9. Absence or inoperable GMDSS or associated equipment.
10. Absence of non-sparking exhaust ventilation for cargo pump rooms.
11. Number, composition, or certification of crew not corresponding to safe manning document.

D. INTERNATIONAL CONVENTION ON LOADLINES (ICLL 66)

1. Significant areas of damage or corrosion, or pitting of plating affecting fitness or strength, unless proper temporary repairs for a voyage to a port for permanent repairs has been authorized and accepted by Class.
2. A recognized case of insufficient stability.
3. Load-line violation (overloading).
4. Absence or substantial deterioration of closing devices, hatch closing arrangements, and watertight doors.

E. INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL 73/78)

1. Absence, serious deterioration, or failure of proper operation of the oily water separator, the oil discharge monitoring and control system, or the 15-ppm alarm arrangements.
2. Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
3. Unauthorized discharge bypass fitted (in addition, contact district legal officer about pursuing potential criminal violation).

F. INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING FOR SEAFARERS (STCW)

1. Failure of seafarers to hold a certificate, to have an appropriate certificate, to have valid dispensation, or to provide documentary proof that an application for an endorsement has been submitted to the flag state administration.
2. Failure to comply with the applicable safe manning requirements of the flag state administration.
3. Failure of navigational or engineering watch arrangements to conform to the requirements specified by the flag state administration.

4. Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications, or the prevention of marine pollution.
5. Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of duty.
6. Inability to provide for the first watch at the commencement of a voyage and subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.

G. INTERNATIONAL LABOUR ORGANIZATION CONVENTION NO. 147  
(ILO 147)

1. Insufficient food for voyage to next port.
2. Insufficient potable water for voyage to next port.
3. Excessively unsanitary conditions on board.
4. No cooling or heating in accommodation of a ship operating in areas where temperatures may be excessive.
5. Excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/accommodations.

H. INTERNATIONAL BULK CARRIER (IBC) CODE

1. Transportation of a substance not mentioned in the Certificate of Fitness.
2. Missing or damaged high-pressure safety devices.
3. Electrical installations not intrinsically safe or corresponding to code requirements.
4. Sources of ignition in hazardous locations.
5. Insufficient heat protection for sensitive products.

I. INTERNATIONAL GAS CARRIER (IGC) CODE

1. Transport of substance not mentioned in the Certificate of Fitness.
2. Missing closing devices for accommodations or service spaces.
3. Bulkhead not gastight.
4. Defective air locks.
5. Missing or defective quick closing valves.
6. Missing or defective safety valves.
7. Electrical installations not intrinsically safe or not corresponding to code requirements.
8. Ventilators in cargo area not operable.
9. Pressure alarms for cargo tanks not operable.
10. Gas detection plant and/or toxic gas detection plant not operable.
11. Transport of substances to be inhibited without valid inhibitor certificate.

J. INTERNATIONAL SAFETY MANAGEMENT CODE (ISM) CODE

1. Safety Management Systems (SMS) document a company's management procedures to ensure that conditions, activities and tasks, both ashore and on board, affecting safety, security and environmental protection are planned, organized, executed, and checked in accordance with statutory and company requirements. The SMS is the procedural requirements for vessels to carry out normal operations including, but not limited to, preventative maintenance, navigation procedures, bunkering operations, emergency preparedness, pollution prevention procedures, technical systems, and operations and communications procedures. With this in mind, a great deal of deficiencies can be attributed to a failure to follow some standardized procedure or an inappropriate procedure. Therefore, if a failure occurs, the vessel and/ or company must correct the deficiencies as well as review systems management to ensure correct procedures are implemented.
2. Should the OCMI discover vessels with failures in the vessel's SMS, the vessel should be considered for detention and an external audit requested. Should grossly negligent systems might be discovered, these vessels should be considered for denial of entry until they can prove substantial compliance. Should OCMI's suspect problems exist on the company side, a letter should be forwarded to G-MOC via the district and area, fully documenting the suspected problems and requesting that the flag state be urged to conduct an external audit of the company involved.

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**APPENDIX B TO ENCLOSURE 4**

INTERNATIONAL PORT SECURITY PROGRAM AND  
ACTIONS TAKEN AGAINST VESSELS ARRIVING  
FROM NON –COMPLIANT COUNTRIES, CH-1



APPENDIX B

**INTERNATIONAL PORT SECURITY PROGRAM AND  
ACTIONS TAKEN AGAINST VESSELS ARRIVING  
FROM NON –COMPLIANT COUNTRIES, CH-1**

A. INTRODUCTION

B. INTERNATIONAL PORT SECURITY PROGRAM IMPLEMENTATION  
PROCESSES

1. Tracking Compliance with International Security Codes
2. Country Visit
3. Port State Control Actions
4. Port Security Advisories

C. RECOMMENDED ACTIONS FOR VESSELS CALLING AT A NON-  
COMPLIANT PORT FACILITY

1. Non-Compliant Port Facility
2. Recommended Actions

D. RECOMMENDED ACTIONS FOR A COMPLIANT PORT FACILITY IN A NON-  
COMPLIANT COUNTRY

1. Application
2. Approval
3. Port State Control Actions
4. Duration of Facilitated Entry

E. RECOMMENDED ACTIONS FOR COUNTRIES NOT SIGNATORY TO SOLAS  
WISHING TO TRADE WITH THE UNITED STATES





## A. INTRODUCTION

Section 70108 of the Maritime Transportation Security Act (MTSA) requires the Coast Guard to assess the effectiveness of antiterrorism measures at certain foreign ports. Section 70109 of the MTSA requires the Coast Guard to notify the appropriate authorities of the government of the foreign government of the finding and provide recommendations to improve the antiterrorism measures in use in the port. Section 70110 of the MTSA allows the Coast Guard to prescribe conditions of entry for any vessel arriving from a foreign port that does not maintain effective antiterrorism measures.

The International Port Security (IPS) Program is responsible for implementing these provisions of the MTSA. The IPS Program involves a wide range of activities including, but not limited to, country and port facility assessments, participation in an interagency advisory group to develop appropriate actions following on site assessments, issuance of advisories for countries deemed non-compliant with international facility security standards, and development of Federal Register notices detailing final actions pertaining to vessels arriving from non-compliant countries.

The key outputs of IPS Program processes are Port Security Advisories and Maritime Security (MARSEC) Directives. Information contained in Port Security Advisories will be distributed to Coast Guard units and the maritime industry by Commandant (G-MOC) as new advisories are received and on a monthly basis for all existing country advisories. This Appendix is intended to briefly explain the interconnectivities between the IPS and Port State Control Programs pertaining to the issuing of Port Security Advisories and MARSEC Directives.

For detailed information on the International Port Security Program, refer to Commandant Instruction 16618.7, "International Port Security Program".

## B. INTERNATIONAL PORT SECURITY PROGRAM IMPLEMENTATION PROCESSES

1. Tracking Compliance with International Security Codes. Not later than July 1, 2004, Contracting Governments to SOLAS 74 are required to provide a list of all port facilities that have approved security plans to the International Maritime Organization (IMO). The IPS Program will track the reports as an initial step in assessing country compliance with the international port facility security standards. For example, countries reporting compliance with the ISPS Code are generally considered compliant until on site assessments are performed by the IPS Program team, whereas countries failing to report to IMO or which report non-compliance with the standards will be deemed non-compliant. In addition, countries that are not signatory to SOLAS have been asked to provide the same type of information regarding port facilities to the U.S. Coast Guard as SOLAS nations report to the IMO. The IPS Program will make available a list of non-

compliant countries based upon this reporting soon after July 1, 2004 by issuing a Port Security Advisory.

2. Country Visits

- a. The country visit is the centerpiece of the IPS Program. Its primary purpose is to conduct an information exchange, share best practices, and learn how a country is implementing the ISPS Code. This will be accomplished through interviews with key government and port authorities coupled with reviews of the following: security programs, physical security measures in place in ports, performance of security duties by personnel, and the government oversight processes.
- b. While the country visit is the primary means for observing the implementation of the ISPS Code, in some cases the Coast Guard may receive information concerning implementation of the ISPS Code from credible sources including vessel masters, U.S. Government representatives and public/private intelligence sources. This information will be factored into the determination of the effectiveness of antiterrorism measures in place in the country.

3. Port State Control Actions

- a. Vessels that have visited a non-compliant port facility or country during the last five port calls may be subject to port state controls. Countries found non-compliant with international port facility security standards will be advised to correct the non-conformities and also be informed that the U.S. Government may take port state control action against any vessels that have visited a port in the country.
- b. Control actions that may be employed against vessels that have visited a non-compliant port may include:
  - (1) Vessels may be required to set a higher security level at the non-compliant port;
  - (2) Vessels may be required to execute a DOS at the non-compliant port;
  - (3) Vessels may be required to log all security activities at the non-compliant port;
  - (4) Vessels may be required to report all actions taken, either at the time it submits its Advance Notice of Arrival to the National Vessel Movement Center or directly to the cognizant Captain of the Port
  - (5) Vessels may be designated as ISPS 2 priority boarding;
  - (6) Vessels may be designated as ISPS 1 priority boarding;
  - (7) Vessels may be denied entry until a Coast Guard Positive Control Boarding Team is aboard;
  - (8) Vessels may be required to provide security personnel prior to entry.
  - (9) Vessels may be limited to daylight only transit;

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- (10) Vessels may not be permitted to transit past high capacity passenger vessels and/or vessels carrying CDCs;
- (11) Vessels may be required to complete a security sweep prior to entry;
- (12) Vessels may be required to conduct an underwater hull sweep prior to entry; and
- (13) Vessels may be restricted to certain facilities within the port.

4. Port Security Advisories.

- a. The initial step in notifying the maritime industry that a port facility or country is non-compliant will be by a Port Security Advisory, also known as a Country Advisory.
- b. The primary purpose of the Port Security Advisory is to notify the maritime industry that the Coast Guard has concerns regarding a country. The advisory will recommend actions a vessel may take when trading with the port facility or country of concern that may facilitate the vessel's entry into the United States.
- c. Port Security Advisories will be issued under the following circumstances:
  - (1) A country has not communicated compliance with ISPS Code to IMO or to the Coast Guard if Non-SOLAS;
  - (2) A country that is found not to be in substantial compliance with the ISPS Code either as a result of a country visit or from other credible evidence; or
  - (3) A country that refuses, after repeated attempts, to allow the IPS Program Team access to the ports under its jurisdiction.
- d. The Port Security Advisory will be posted on the U.S. Coast Guard IPS Program website <http://www.uscg.mil/hq/g-m/mp/ipsp.shtml> and it will be distributed to the field by G-MOC. In addition, it will be sent to select maritime trade associations, national maritime associations and may be distributed as a Coast Guard Press Release. On a monthly basis G-MOC will also distribute all current advisories to the field.
- e. Upon the issuance of a Port Security Advisory vessels arriving from a country to which the Advisory applies may be designated as a higher ISPS boarding priority. G-MOC will disseminate the higher priority designation, if applicable, to the field.

- f. If the conditions that led to the Port Security Advisory are not corrected within a specified time period, additional port state control measures and/or conditions of port entry may be initiated. The Coast Guard will update the Port Security Advisory and also publish these additional measures in the Federal Register.

C. RECOMMENDED ACTIONS FOR VESSELS CALLING AT A NON-COMPLIANT PORT FACILITY

1. Non-Compliant Port Facility. Generally, vessels calling at a non-compliant port facility will face an increased boarding priority. However, if a vessel takes the recommended steps outlined in the Port Security Advisory the vessel's actions will be considered during boardings and may be reflected in the location, scope, intensity, and duration of the boarding.
2. Recommended Actions. Port Security Advisories will include measures vessels may take when calling at a non-compliant port facility in order to facilitate entry into the United States. These measures may include:
  - a. Setting a higher security condition;
  - b. Executing a Declaration of Security;
  - c. Logging all security actions in the ship's log; and
  - d. Reporting the actions taken, either with the Advance Notice of Arrival or directly to the cognizant Captain of the Port.

D. RECOMMENDED ACTIONS FOR COMPLIANT PORT FACILITIES IN NON-COMPLIANT COUNTRIES

1. Application. A specific port facility that is maintaining a high degree of security in a country that is generally not in compliance with the international standards may propose special security procedures to the IPS Program in order to facilitate the entry into the United States of a vessel that uses that port facility. At a minimum, the application must address the following items:
  - a. Third party review and certification that the port facility complies with the applicable requirements of ISPS Part A, taking into account the relevant provisions of the ISPS Code, Part B;
  - b. How the port facility will evaluate and adjust security measures to meet changing threat conditions; and
  - c. An agreement that the third party will conduct audits as required.
2. Approval. The IPS Program, in conjunction with G-MOC, will review the application and a designated third party, who is acceptable to the U.S. Coast

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Guard, will certify the implementation of the appropriate security measures at the facility. The cost of the third party verification will be borne by the non-compliant country and/or the specific facility.

3. Port State Control Actions. Port state control actions for vessels arriving from the port facility will be adjusted after the procedures are approved and the conditions at the port facility are verified to the satisfaction of IPS Program.
4. Duration of Facilitated Entry. The provisions for facilitating entry into the United States for a vessel calling at a specific port facility that is maintaining a high degree of security in a country that is not in compliance with the international standards will have a limited duration. The specific length of time will be outlined in the IPS Program approval of the special security measures.

E. RECOMMENDED ACTIONS FOR COUNTRIES NOT SIGNATORY TO SOLAS  
THAT WISH TO TRADE WITH THE UNITED STATES

Countries that wish to trade with the United States that are not signatory to SOLAS may facilitate the entry of vessels into the United States. They may do so by implementing the applicable requirements of ISPS Part A, taking into account the relevant provisions of the ISPS Code, Part B, or by implementing an equivalent level of security. This information must be reported to the U.S. Coast Guard.

**ENCLOSURE 5**

**GLOSSARY**





## GLOSSARY

**ABSCONDER** - An inadmissible **CREWMEMBER** that gains, or attempts to gain, illegal entry into the United States.

**AGENT** - A vessel representative hired by the ship's management. Ship's agents may be tasked with various jobs such as, ensuring proper vessel documentation and compliance.

**AUTHORITY** - The government's legal power to act.

**BASELINE** - Refer to Title 33, Code of Federal Regulations, Section 2.20. Also referred to as territorial sea baseline.

**BASIC INITIAL SAFETY INSPECTION (BISI)** - The BISI is a quick and limited protective sweep of a vessel for boarding team safety. The scope of the BISI is determined by the circumstances of the boarding, particularly the size, type, and condition of the vessel, the demeanor of the crew (knowledge, skill level and experience), and information available to the boarding team about potential threats or hazards aboard the vessel. Further guidance on BISI can be found in Chapter 3 of the MLEM, COMDTINST M16247.1 (series).

**CARGO SHIP** - Any ship that is not a passenger ship.

**CERTAIN DANGEROUS CARGO (CDC)** - Includes any of the following:

- Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50
- Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a research and special programs administration exemption
- Division 2.3 "Poisonous Gas", as listed in 49 CFR 172.101 that is also a "Material Poisonous by Inhalation" as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per vessel
- Division 5.1 oxidizing materials for which a permit is required under 49 CFR 176.415 or for which a permit is required as condition of a research and special programs administration exemption
- A liquid material that has a primary or subsidiary classification of Division 6.1 "Poisonous Material" as listed 49 CFR 172.101 that is also a "material poisonous by inhalation," as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per vessel when not in a bulk packaging.
- Class 7, "Highway Route Controlled Quantity" radioactive material or "Fissile Material, Controlled Shipment," as defined in 49 CFR 173.403.
- Bulk liquefied chlorine gas and bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.
- The following bulk liquids: (I) acetone cyanoglydrin, (II) allyl alcohol, (III) chlorosulfonic acid, (IV) crotonaldehyde, (V) ethylene chlorohydrin, (VI)

ethylene dibromide, (VII) methacrylonitrile, and (VIII) oleum (fuming sulfuric acid).

**CIVIL PENALTY PROCESS** - The means of reporting, adjudicating, and disposing a suspected violation of Federal law where the statute or regulation provides for a civil penalty (e.g., CG-4100 violation, fisheries violation).

**CLASSIFICATION SOCIETY** - An organization, other than a flag State, that issues Certificates of Class and/or International Convention Certificates.

**CLEAR GROUNDS** - Evidence that the ship, its equipment, or its crew does not correspond substantially with the requirements of the relevant conventions or that the master or crew members are not familiar with essential shipboard procedures relating to the safety and security of the vessel.

**CODE OF FEDERAL REGULATIONS (CFR)** - The compilation and codification of U.S. administrative law by subject matter arranged in numerical titles. The CFR is published officially by the Federal Government in volume form.

**COMPANY SECURITY OFFICER** - The person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer.

**CONTIGUOUS ZONE** - Refer to Title 33, Code of Federal Regulations, Section 2.28.

**CONTINENTAL SHELF** - The area of seabed and subsoil beyond the territorial sea, which extends up to either: 200NM from the baseline; or, subject to certain limits, the outer edge of the continental margin (the submerged prolongation of the land mass), or 100NM from the 2500 meter isobath, whichever is further seaward (but in no case beyond 350NM from the baseline).

**CONTINUOUS SYNOPSIS RECORD** - Record required under regulation of chapter V of SOLAS. The record will provide an on-board record of history of the ship.

**CONTRACTING GOVERNMENTS AND PARTIES** - Government or flag States that have legally accepted to be bound by the requirements of a convention, protocol or other instrument.

**CRIMINAL OFFENSE** - An offense where the statute provides for criminal penalties, such as fines or imprisonment.

**DECLARATION OF SECURITY** - An agreement between a vessel and a port facility that addresses security requirements that are shared between a ship and a facility and outlines both ship and facility responsibilities on their security arrangements to ensure coordination and communication is clearly established.

**DEFICIENCY** - A condition found not to be in compliance with the requirements of the relevant convention or regulation.

**DESERTER** - A crewmember that is authorized by the U.S. Citizenship and Immigration Service (USCIS) to enter, but upon entry remains illegally in the United States.

**DETENTION** - For law enforcement purposes, the act of keeping back, restraining or withholding a person or property for a temporary, reasonable period of time for the purpose of inspection, investigation or search when such act does not amount to an arrest or property seizure.

**DOCUMENTED VESSEL** - A vessel documented under U.S. law (Title 46, U.S. Code; Title 46, CFR, Subpart 67) and issued a Certificate of Documentation by the United States Coast Guard.

**EXCLUSIVE ECONOMIC ZONE** - Refer to Title 33, Code of Federal Regulations, Section 2.30.

**EXTENDED INITIAL SAFETY INSPECTION (EISI)** - The EISI is part of the protective sweep of a vessel for the safety of the boarding team, but is more focused. An extended ISI may be conducted only when reasonable suspicion exists that there is a particular hazard that may threaten the boarding team. The scope and conduct of the EISI is guided by the suspected hazard. Further guidance on EISI can be found in Chapter 3 of the MLEM, COMDTINST M16247.1 (series).

**FEDERAL REGISTER** - A daily publication in which U.S. administrative agencies publish proposed regulations for public comment and final regulations.

**FLAG ADMINISTRATION** - All governments that have legally accepted to be bound by the requirements of a convention, protocol, or other instrument.

**FLAG STATE** – The nation where a given vessel is legitimately registered. The vessel claims the nationality of that nation and that nation exercises its jurisdiction and control in administrative, technical, and social matters over the vessel.

**FLAG STATE AUTHORIZATION** - Permission from the flag State of a vessel to board and/or take enforcement actions with respect to that vessel. Flag State authorization is obtained through a special arrangement between the U.S. and the flag State. The specific terms of the authorization determine exactly what enforcement action (e.g., boarding, search, detention, arrest, and/or seizure) the United States Coast Guard may take with respect to the foreign-flag vessel.

**FOREIGN-FLAG VESSEL** – Foreign-flag vessels are all seagoing vessels except U.S. vessels, vessels without nationality, and vessels assimilated to a vessel without nationality.

**HEAVILY POPULATED AREA** - For maritime application, cities with a population of more than 100,000 people.

**HIGH INTEREST VESSEL** - A commercial vessel intending to enter a U.S. port that may pose a high relative risk to the port.

**HIGH SEAS** - Refer to Title 33, Code of Federal Regulations, Section 2.32. .

**IMO DETENTION** - Intervention action taken by the port State when the condition of the ship or its crew does not comply substantially with the applicable conventions. Detentions ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat or harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship.

**INSPECTION** - An examination of government licensees and regulated businesses or activities for compliance with government regulations.

**INITIAL SAFETY INSPECTION (ISI)** - The initial safety inspection (ISI) is conducted to identify any safety hazards that may exist and ensure the seaworthiness of the vessel being boarded. There are two levels of initial safety inspection: (1) basic; and (2) extended. Further guidance on ISI can be found in Chapter 3 of the MLEM, COMDTINST M16247.1.

**INTERNAL WATERS** - Refer to Title 33, Code of Federal Regulations, Section 2.24.

**INTERNATIONAL MARITIME ORGANIZATION (IMO)** - Specialized agency of the United Nations concerned solely with maritime affairs. Responsible for international treaties, conventions, resolutions, and codes to improve maritime safety.

**INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE (ISPS)** – IMO assembly adopted document that establishes an international framework involving co-operation between Contracting Governments, Government agencies, local administrations and the shipping and port industries to detect and access security threats. The ISPS Code applies to the following types of ships engaged on international voyages: passenger ships including high-speed passenger craft, and cargo ships of 500 gross tonnage and upwards including high-speed craft.

**INTERNATIONAL WATERS** - The waters seaward of the outer limit of the territorial sea of any nation, but encompassing the high seas, exclusive economic zone (EEZ), and contiguous zones.

**JURISDICTION** - The government's right to exercise legal authority over its persons, vessels and territory. Within the context of maritime law enforcement, jurisdiction is comprised of three elements: substantive law, vessel status/flag State, and location.

**KEY ASSETS (KA)** - See MARITIME CRITICAL INFRASTRUCTURE/KEY ASSETS (MCI/KA).

**LAW ENFORCEMENT AGENCY** - An executive agency chartered and empowered to enforce laws in one of the following jurisdictions: U.S., a state (or political subdivision) of the U.S., a territory or possession (or a political subdivision) of the U.S., or the borders of a foreign nation.

**MANIFEST** - A collection of forms required for presentation on a vessel's arrival or departure in/from the United States. Typically these include, but are not limited to, Form I-418 (Crew List), Form I-92 (Vessel Report), Form I-94 (Arrival/Departure Record) and Form I-95 (Conditional Landing Permit).

**MARINE TRANSPORTATION SYSTEM (MTS)** - Consists of waterways, ports and intermodal connections, vessels, vehicles, and system users, as well as federal maritime navigation systems.

**MARITIME CRITICAL INFRASTRUCTURE/KEY ASSETS (MCI/KA)** - Facilities, structures, systems, assets, or services so vital to the port and its economy that their disruption, incapacity, or destruction would have a debilitating impact on defense, security, the environment, long-term economic prosperity, public health, or safety of the port (Source: 33 CFR 101.105)

**MARITIME HOMELAND SECURITY (MHS)** - MHS is federal law enforcement carried out by domestic law enforcement authorities, including the United States Coast Guard (USCG), and shall be conducted in accordance with settled law enforcement procedures, the Maritime Law Enforcement Manual (COMDTINST M16247.1 (series)) and other applicable law enforcement policies. Department of Defense (DoD) personnel may assist non-DoD law enforcement authorities with MHS law enforcement missions in accordance with federal law and applicable DoD and USCG regulations and policies. The Homeland Security Act defines the following USCG missions as homeland security missions: ports, waterways and coastal security; drug interdiction; migrant interdiction; defense readiness; and other law enforcement activities. MHS does not include the physical security of Coast Guard units and property, which shall be conducted in accordance with the Physical Security and Force Protection Manual, COMDTINST M5530.1c.

**NAVAL VESSEL PROTECTION ZONE (NVPZ)** - As described in 33 CFR 165, Subpart G, a NVPZ is a 500-yard regulated area of water, including a 100-yard exclusion zone, surrounding large U.S. naval vessels, including MSC vessels, in effect at all times in the navigable waters of the U.S. (out to 3nm), whether the large naval vessel is underway, anchored, moored, or within a floating drydock, except when the large naval vessel is moored within a restricted area or within a Naval Defensive Sea Area.

**NAVIGABLE WATERS OF THE U.S.** - Refer to Title 33, Code of Federal Regulations, Section 2.36.

**NOTICE OF ARRIVAL** – The notice that vessels must provide the United States Coast Guard before entering U.S. ports. See 33 CFR part 160 for more information.

**OPERATIONAL CONTROL (OPCON)** - The authority to perform those functions of command over subordinate forces involving organizing and employing commands and forces, assigning tasks, designating objectives and giving authoritative direction over all aspects of law enforcement or military operations and joint training necessary to accomplish assigned missions. OPCON may be exercised at any echelon at or below the level of Area Commander, or combatant command for joint operations, and can be delegated or transferred. OPCON, in and of itself, does not include authoritative direction for logistics, administration, discipline, internal organization, or training.

**PASSENGER** - Any person arriving in the United States on board a vessel who is not a CREW MEMBER or a STOWAWAY.

**PORT FACILITY SECURITY OFFICER** - The person designated as responsible for the development, implementation, revision, and maintenance of the port facility security plan and for liaison with the ship security officers and company security officers.

**PORT FACILITY SECURITY PLAN** - A plan developed to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units, and ship's stores within the port facility from the risks of a security incident.

**PORT STATE CONTROL** - The process by which a nation exercises its domestic and/or international authority over foreign vessels when those vessels are in waters subject to its jurisdiction.

**PORT STATE CONTROL OFFICER (PSCO)** - A person duly authorized by the competent authority of a Party to a relevant convention to carry out port State control inspections, and responsible exclusively to that Party.

**PORTS, WATERWAYS, AND COASTAL SECURITY (PWCS)** - Protect the U.S. Maritime Domain and the U.S. Marine Transportation System from internal and external threats such as: destruction, loss, or injury from terrorism, sabotage, or other subversive acts. Deny their use and exploitation as a means for attacks on U.S. territory, population, and critical infrastructure. Prepare for and, in the event of attack or incident, conduct emergency response operations. When directed, as the supported or supporting commander, transition to and conduct Maritime Homeland Defense operations.

**POSITIVE CONTROL MEASURES** - Concurrent with or upon completion of a security boarding, armed boarding team members establish positions aboard the vessel to deter, detect, prevent, and respond to acts of terrorism and /or transportation security incidents.

**RECOGNIZED ORGANIZATION** - An organization that meets the relevant conditions set forth by resolution A.739(18), and has been delegated by the flag State Administration to provide the necessary statutory services and certification to ships entitled to fly its flag.

**RECOGNIZED SECURITY ORGANIZATION (RSO)** - An organization with the appropriate expertise in security and antiterrorism matters recognized by the Administration [or

Designated Authority] and authorized to carry out assessment, verification, approval and certification activities, required by the ISPS Code. The organization meets the 12 requirements set for in Part A of the ISPS Code to perform certain port security functions such as; approval of ship security plans, or amendments thereto, on behalf of the Administration; verification and certification of compliance of ships with the requirements of chapter XI-2 and part A of the ISPS Code on behalf of the Administration; and conducting port facility security assessments.

**REGULATED NAVIGATION AREA (RNA)** - To regulate navigation in a specific area where hazardous conditions exist which may make routine navigation unsafe. RNAs generally impose operating conditions/restrictions on vessels to ensure safe navigation.

**REGULATION** - A rule or order issued by a U.S. administrative agency, normally acting pursuant to authority granted by statute.

**SAFETY ZONE** - Established for the protection of vessels, structures, waterways, and shore areas; established for general safety and environmental protection purposes. It may be described by fixed limits, or it may be a zone around a vessel in motion. Safety Zones may also be established to prevent or respond to an act of terrorism against an individual, vessel or structure

**SECURITY BOARDING** - An examination by an armed boarding team of a vessel (including the cargo, documentation, and persons on board) designated by the Captain of the Port (COTP), arriving or departing at a U.S. port, to deter acts of terrorism and/or transportation security incidents. COTPs may order a security boarding for vessels engaged in domestic operations if intelligence or other law enforcement information warrants. Security boardings include, but are not limited to:

- (1) Verification of the information submitted in the Notice of Arrival (NOA) submission;
- (2) Ensuring that the ship and crew are operating consistent with the stated purpose of the voyage, industry norms, and Federal law and regulations;
- (3) Investigation of any intelligence and/or law enforcement information related to the vessel and crew; and
- (4) Collection of information intended to assist the COTP in deciding whether to permit the vessel to enter or leave port.

Security boardings can be broken down into three phases consisting of (1) an initial safety inspection, (2) an administrative review of security and safety elements, and (3) a general walk-through of the vessel for security and safety compliance including verification of specific elements of the ISPS Code.

**SECURITY ZONE** - To safeguard vessels, harbors, ports and waterfront facilities from sabotage or other subversive acts, accidents or other causes of a similar nature.

**SHIP MANAGEMENT** - Owner, operator/master, and/or charter of a vessel.

**SHIP SECURITY ALERT SYSTEM** - System required by regulation 6 of chapter XI-2 of SOLAS. When activated, the system should initiate and transmit a ship-to-shore security alert to

a competent authority as designated by the flag Administration. The system will identify the ship, its location, and indication that the security of the ship has been compromised.

**SHIP SECURITY OFFICER** - The person on board a ship, accountable to the master, designated by the Company as responsible for the security of the ship, including implementation and maintenance of the ship security plan and for liaison with the company security officer and port facility security officers.

**SHIP SECURITY PLAN** - A plan developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship's stores, or the ship from the risks of a security incident.

**STATELESS VESSEL** - See VESSEL WITHOUT NATIONALITY.

**STATUTE** - A law passed by the U.S. Congress and signed by the President.

**STOWAWAY** - Any person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the ship's owner, the master, or other responsible person and who is detected on board the ship after it has departed from port, or in the cargo while unloading it in the port of arrival. Also defined as an alien coming to the U.S. surreptitiously on an airplane or vessel without legal status for admission.

**SUBSTANDARD SHIP** - A ship whose hull, machinery, equipment, or operational safety is substantially below the standards required by the relevant convention or whose crew is not in conformance with the safe manning document.

**TERRITORIAL SEA (FOREIGN)** - The waters within the belt that is adjacent to the foreign nation's coast and whose breadth and baseline are recognized by the U.S.

**TERRITORIAL SEA** - Refer to Title 33, Code of Federal Regulations, Section 2.22.

**TERRITORIAL SEA BASELINE** - Refer to Title 33, Code of Federal Regulations, Section 2.20. .

**TERRORISM** - Any activity that involves an act that is dangerous to human life or potentially destructive of critical infrastructure or key resources; and is a violation of the criminal laws of the United States or of any State or other subdivision of the United States or that would be a criminal violation if committed within the jurisdiction of the United States or of any State or subdivision of the United States; and appears to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping. Further definitions or terrorism can be found in Chapter 10 of the MLEM, COMDTINST M16247.1 (series).

**UNITED STATES CODE (USC)** - The compilation and codification of U.S. statutory law by subject matter arranged in numerical titles. The USC is published officially by the Federal Government in volume form and kept current between publishing by annual supplements.



**U.S. MARITIME DOMAIN** - Encompasses all U.S. ports, inland waterways, harbors, navigable waters, Great Lakes, territorial seas, contiguous zone, customs waters, coastal seas, littoral areas, the U.S. Exclusive Economic Zone (EEZ), and oceanic regions of U.S. national interest, as well as the sea lanes to the U.S., U.S. maritime approaches, and the high seas surrounding America.

**U.S. VESSEL** - A vessel that:

- Is documented under 46 USC 12101-12124 (Certificate of Documentation);
- Is numbered as provided by 46 USC 12301-12309 (Certificate of Number);
- Is owned in whole or part by a U.S. citizen or national and not registered in another country; or
- Was once documented under U.S. law and, without approval of the U.S. Maritime Administration, had either been sold to a non-U.S. citizen or placed under foreign registry or flag.

**VERIFICATION** - A visit on board a ship to check both the validity of the certificates and other documents, and the overall security compliance condition of the ship, its equipment, and its crew.

**VESSEL** - Includes every description of watercraft or other contrivance used, or capable of being used, as a means of transportation in water.

**VESSEL ESCORT** - Provision of armed vessels and/or aircraft to enforce a moving security zone or Naval Vessel Protection Zone (NVPZ), or otherwise accompany and protect against external attack; the geographic extent of the escort shall be specified by the Operational Commander.

**VESSEL OF INTEREST (VOI)** - A vessel identified by the National Maritime Intelligence Center (NMIC), Area Maritime Intelligence Fusion Centers, District Intelligence Office, or other agency at the regional or port level seen as posing a potential security or criminal threat.

**VESSEL WITHOUT NATIONALITY** - A vessel that is not registered in one single nation. They are not entitled to fly the flag of any nation and, because they are not entitled to the protection of any nation, are subject to the jurisdiction of all nations. The following, all of which are considered affirmative claims under international law, evidences nationality:

- Oral claim of nationality by the master or other person in charge of the vessel;
- Vessel documents issued by the flag State; and
- National flag or ensign flown.

A vessel without a nation is often commonly referred to as a *stateless vessel*.

**VESSEL INSPECTION** - A systematic process used to ensure compliance with governmental regulations (e.g., vessel safety inspection, fisheries regulatory inspection, marine safety inspection).

**WEAPON OF MASS DESTRUCTION (WMD)** - Any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people

through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors; a disease organism; or radiation or radioactivity.

**Summary of Changes.**

**Ch-1.**

1. Replaced definitions for Baseline, Contiguous Zone, Exclusive Economic Zone, High Seas, Internal Waters, Navigable Waters of the United States, Territorial Sea, and Territorial Sea Baseline with reference to the recognized definitions promulgated in regulation {Title 33, Code of Federal Regulations, Part 2}.